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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/773,103
Filing Date: January 31, 2001
Appellant(s): CHEN ET AL.

Stephen Lesavich
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10-4-2005 appealing from the Office action mailed 4-4-2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,526,581	Edson	2-2003
5,911,120	Jarett	6-1999
5,572,575	Yamamoto	11-1996
6,396,531	Gerszberg et al	5-2002
6,678,215	Treyz	1-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3,5,8,8-13,21,22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (U.S. 6,526,581) in view of Jarett (U.S. 65,911,120).

Regarding claim 30, Edson'581 discloses an integrated phone-based home gateway system conversion system for connecting to existing phone systems (see FIG. 1, Gateway 13), providing in-home and to-home networking (see FIG. 1, an in-home network 11), comprising in combination:

a home gateway interface (see FIG. 2, a combined system of power line interface 123, Other interface 125, HPNA interface 121, router 103, Storage 107; see col. 9, lines 7-14) for initializing broadband communications service configurations and provisions (see col. 10, lines 1-65; note that the combined system initializes/processes/starts the broadband/DSL/CATV communications services configurations and provisions/requirements by converting between the user's data protocol (i.e. CATV video, voice, or data) to the protocol that can communicate with the external network (i.e. DSL, CATV, or X-Link); see col. 5, lines 45 to col. 6, lines 50);

for providing routing or bridging for networking communications (see col. 9, lines 52-63, see col. 10, lines 45-67; note that the router 103 routes the networking communication data between internal interfaces and the external network interfaces);

a communications interface for connecting to one or more networks (see FIG. 2, the combined system of cable modem interface 117, ADSL modem interface 115 and other modem interface 119 connects to one or more external networks; see col. 5, lines 45-57), for providing data communications (see FIG. 2, see FIG. 2, the combined system of cable modem interface 117, ADSL modem interface 115 and other modem interface 119 provides data communications), for providing broadband communications (see FIG. 2, the cable modem

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interface 117 and/or ADSL modem interface 115 provides broadband communications) and for providing narrow band communications including voice communications (see FIG. 2, ADSL modem interface 115 provides the narrow band voice communications since it is connected to standard telephone 32 via analog line); see col. 10, lines 24-65;

a processor (see FIG. 2, CPU 105) for processing information from the one or more networks (see col. 9, lines 8-33, 51-63; see col. 10, lines 65 to col. 11, lines 19; note that the CPU process the information to/from networks by controlling the router and firewall);

a wireless communications interface (see FIG. 1, Other interface 125 which compatible to a wireless local data link) for connecting to external devices (see FIG. 1, devices (i.e. cordless phone or other in-home wireless media devices) that couple to a wireless local data link; see col. 10, lines 52--55; see col. 7, lines 10-15);

a home phone line network adapter ("HPNA") module (see FIG. 2, HPNA interface module 121); and

one or more RJ-11 interface jacks (see FIG. 3, each home devices RJ11 switch must use RJ-11 telephone interface jacks in order to tap into twisted pair 21 towards HPNA module; see col. 7, lines 60-67; see col. 13, lines 23-27).

Edson'581 does not explicitly disclose a display interface for displaying the information from the one or more networks.

However, the above-mentioned claimed limitations are taught by Jarett'120. In particular, Jarett'120 disclose a wireless communications interface (see FIG. 3, Cordless Cellular Transceiver 23) for connecting to external wireless devices (see FIG. 2, cordless Mobile stations 12); see col. 7, lines 5-16, 49-55;

a display interface (see FIG. 3, LCD Display 33) for displaying the information from the one or more networks (see col. 9, lines 5-15; see col. 20, lines 50-65; note that display 33 of the cordless cellular base station displays the information (i.e. phone numbers) from the networks).

Note that Edson'581 teaches that a home gateway system can be implemented with a wireless internal media. Jarett'120 teaches a cordless gateway base station with the modem which couples to the public network, a LCD to display the network information, and connects to the home wireless mobile units. In view of this, having the system of Edson'581 and then given the teaching of Jarett'120, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581, for the purpose of providing a home gateway system with a display and wireless connection to the wireless devices and providing the wireless devices with the capability to communicate with both home gateway base station and the cellular base station, as taught by Jarett'120, since Jarett'120 states the advantages/benefits at col. 2, lines 24-30, see col. 3, lines 25-27 that it would reduce the cost of the hardware and software implementation to operate the cordless cellular base station. The motivation being that by utilizing the LCD to display the caller and calling party information at the gateway unit, it can increase the subscriber's ability to monitor the call. Also, The motivation being that by utilizing the wireless interface at the gateway unit in order to communicate with other external wireless devices, it can reduce the cost of extra wiring in the home.

Regarding Claim 1, the method claim, which has substantially disclosed all the limitations of the respective system claim 30. Therefore, it is subjected to the same rejection.

Regarding claims 2 and 3, Jarett'120 discloses a portable multi-function handset performs the function of at least one of a cordless phone, a mobile phone, a web phone, or a

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walkie-talkie radio (see FIG. 1 and FIG. 5; Cordless phone 12; see col. 12, lines 5-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581 as taught by Jarett'120 for the same reason stated in Claim 1 above.

Regarding claim 5, Edson'581 discloses wherein the communication interface includes a digital subscriber line ("DSL") device and an analog modem (see FIG. 2, ADSL modem is the combined system of DSL device and an analog modem which connects to ADSL link towards public network; see col. 5, lines 45 to col. 6, lines 26). Jarett'120 disclose the analog modem (see FIG. 3, Modem 27; see col. 7, lines 12-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581 as taught by Jarett'120 for the same reason stated in Claim 1 above.

Regarding claims 8 and 9, Edson'581 discloses at least one module for interfacing with an external device (see FIG. 2, HPNA Interface module 121) wherein the external device includes a desk-top computer, lap-top computer, notebook computer, a home security device (see FIG. 1, Alarm system 34), a mobile phone, a personal digital assistant, a Internet Protocol-based home appliance, a printer (see FIG. 1, Printer 33), a facsimile machine, a video camera, or a scanner; see col. 7, lines 25-43.

Regarding claim 10, Edson'581 discloses wherein the, at least one module for interfacing with an external device includes an RJ-11 module, a peripheral component interconnect ("PCI") module, a Universal Serial Bus ("USB") module, a home phone line network adapter ("HPNA") module (see FIG. 1, D1 interfaces 311, 312, 313 implements HPNA standard interface protocol for digital communication over the twisted pair 21), a Personal

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Computer Memory Card International Association ("PCMCIA") interface module, a Bluetooth module, an infra data association ("IrDA") module, or a wireless interface module; see col. 7, lines 60-67.

Regarding claim 11, Edson'581 discloses one or more modular plug-and-play interfaces (see col. 4, lines 20-35; note that internal and external interfaces of the gateway are in the form of the plug-in cards. Thus, it is clear that they are plug-and-play interfaces).

Regarding claims 12 and 13, Jarett'120 discloses wherein the display interface comprises a removable display unit (see FIG. 5, LCD display 56 of the mobile station 12; note that the LCD display 33 of the cordless gateway base station and the LCD display 56 of the mobile station 12 display the same information about the network when the mobile unit is rested on the cordless base station cradle. Thus, LCD display 33 comprises a remote/removable LCD display 56),

wherein the removable display unit interfaces with the home gateway interface through a wireless infrared or a wireless radio frequency communications interface (see FIG. 5, Wireless Transceivers 50 and 52 of the mobile unit; see col. 12, lines 30-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581 as taught by Jarett'120 for the same reason stated in Claim 1 above.

Regarding claim 21, Edon'581 discloses wherein the one or more networks include a public switched telephone network, a regional broadband network, or the Internet (see FIG. 1, gateway 13 couples to public networks such as CATV network, ADSL network, and other public network such as Internet, PSTN, or wireless; col. 5, lines 45-57, see col. 2, lines 51 to col. 3, lines 5, see col. 4, lines 41-44; see col. 6, lines 18-49).

Regarding claims 22, the combined system of Edson'581 and Jarett'120 discloses a wireless communications interface as described above in claim 1. Jarett'120 discloses an infrared or radio frequency wireless communication interface (see FIG. 3, Cordless Cellular Transceiver 23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581 as taught by Jarett'120 for the same reason stated in Claim 1 above.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edson'581 and Jarett'120 as applied to claim 1 above, and further in view of Yamamoto (U.S. 5,572,575).

Regarding claim 4, the combined system of Edson'581 and Jarett'120 discloses the gateway cordless/wireless system and the communication interface as described above in claim 1. Neither Edson'581 nor Jarett'120 explicitly discloses a speaker phone (see Yamamoto'575 FIG. 2-3, SP phone 28; col. 5, line 59 to col. 6, lines 6).

However, the above-mentioned claimed limitations are taught by Yamamoto'575. In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Yamamoto'575, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a speaker phone to a gateway wireless system, as taught by Yamamoto'575, since Yamamoto'575 states the advantages/benefits at col. 1, lines 40-57 that it would provide a speaker phone functionality to the base gateway station even if the handset unit has no speaker phone circuit. The motivation being that by providing a speaker phone to the base gateway

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station, it can reduce the cost of the speaker phone IC in the handset unit since the handset unit no longer requires to have a speaker phone IC.

3. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson'581 and Jarett'120 as applied to claim 1 above, and further in view of Gerszberg (U.S. 6,396,531).

Regarding claim 14, the combined system of Edson'581 and Jarett'120 discloses wherein the display interface displays and accesses data messages as described above in claim 1.

Neither Edson'581 nor Jarett'120 explicitly discloses wherein the display interface displays and accesses voice and video messages. However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, Gerszberg'531 discloses wherein the display interface (see FIG. 3A-B and FIG. 14, Touch screen Display 141) displays and accesses voice, video and data messages, (see FIG. 22; note that the touch screen 141 display and accesses a list of voice, video, and e-mail messages; see col. 12, lines 60 to see col. 13, lines 16; see col. 36, lines 65 to see col. 37, lines 50.)

In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays and access voice, video, and e-mail messages to the device, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 2, lines 44-54 that it would provide an intergraded device which provides integrated access to the services into a single platform with a user friendly interface. The motivation being that by providing a integrated display with an interface which displays and

access voice, video, and e-mail messages, it can reduce the cost and increase the user ability to access multiple services from one interface display.

Regarding claim 15, Gerszberg'531 discloses wherein the data messages includes Internet Protocol messages or e-mail messages (see FIG. 22; note that the touch screen 141 display and accesses a list of voice, video, and e-mail messages; see col. 12, lines 60 to see col. 13, lines 16; see col. 36, lines 65 to see col. 37, lines 50.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett as taught by Gerszberg'531 for the same reason stated in Claim 14 above.

Regarding claims 16 and 18, the combined system of Edson'581 and Jarett'120 discloses wherein the display interface displays data messages as described above in claim 1.

Neither Edson'581 nor Jarett'120 explicitly discloses wherein the display interface displays a graphical representation of a keypad (see Gerszberg'531 FIG. 3A-B and FIG. 14, Touch screen Display 141 comprising a virtual keypad 162; see col. 12, lines 60 to col. 13, lines 16).

However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays a touch screen key pad, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 2, lines 44-54 that it would provide an intergraded device with a touch-sensitive screen display for interactively

displaying video and accompanying signals and menu screens such as keypads. The motivation being that by providing a touch-sensitive display screen with a virtual keypad, it can increase the user ability to access multiple menu and services from one interface display.

Regarding claim 17, the combined system of Edson'581 and Jarett'120 discloses wherein the display interface displays data messages as described above in claim 1.

Neither Edson'581 nor Jarett'120 explicitly discloses wherein the display interface displays at least one line of real-time stock quote, weather, headline news, community news, or a electronic address information from the Internet (see Gerszberg'531 FIG. 3A-B and FIG. 14, Touch screen Display 141; see col. 11, lines 45-67; note that the user may select any number of services to display on the video phone such as weather, headlines in the news, stock quotes, neighborhood community services information).

However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays video and data messages such as news and stock quotes, as taught by Gerszberg'531, for the same motivation as stated above in claims 14-15.

Regarding claim 19, Gerszberg'531 discloses wherein the keypad is a graphical representation of a key pad on the display (see FIG. 3A-B, Touch screen Display 141 comprising a virtual keypad 162), a numeric key pad, an alpha-numeric key pad or a keyboard (see FIG. 14, an alpha-numeric key pad 162; see col. 12, lines 60 to col. 13, lines 16).

However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays a touch screen an alpha-numeric key pad, as taught by Gerszberg'531, for the same motivation as stated above in claim 14-15.

Regarding claim 20, neither Edson'581 nor Jarett'120 explicitly discloses a video camera (see Gerszberg'531 FIG. 3A-B, a video camera 145; see col. 12, lines 38-48).

However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a video camera, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 39, lines 20-35 that it would provide a parental control to monitor the children, and per col. 13, lines 1-4, it would provide for viewing a person to whom a user is speaking at each end. The motivation being that by providing a video camera, it can increase the user ability to view the called and calling parties during the call and increase the capability to monitor the children.

4. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson'581 and Jarett'120 as applied to claim 1 above, and further in view of Treyz (U.S. 6,678,215).

Regarding claim 23, neither Edson'581 nor Jarett'120 does not explicitly a Bluetooth protocol based interface a Shared Wireless Access Protocol based interface or a Wireless Application Protocol based interface (see Treyz'215 FIG. 2, Residential gateway 45 comprising a bluetooth wireless interface; see Treyz'215 col. 11, line 1-12).

However, the above-mentioned claimed limitations are taught by Treyz'215. In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Treyz'215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a bluetooth wireless interface to the residential gateway, as taught by Treyz'215, since Treyz'215 states the advantages/benefits at col. 10, lines 10-24, col. 9, lines 50-65 that it would provide an alternative way of wireless transmission which can be used to communicate with residential devices. The motivation being that by utilizing bluetooth technology, it can increase the capability of communicating with the other home devices wirelessly.

Regarding claim 24, the combine system of Edson'581 and Jarett'120 discloses the wireless communication interface as described above in claim 1. Jarett'120 further discloses a wireless communication interface (see FIG. 3, Cellular transceiver 23) for connecting to external wireless network devices (see FIG. 2, Mobile phones 12) on a wireless piconet (see FIG. 2, cordless cell).

Neither Edson'581 nor Jarett'120 explicitly discloses a short-range wireless communication interface (see Treyz'215 FIG. 2, Residential gateway 45 comprising a short-range wireless interface link 48 such as HomeRF or Bluetooth in order to communicate with wireless device 12d; see Treyz'215 col. 10, lines 1-26). However, the above-mentioned claimed

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limitations are taught by Treyz'215. In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Treyz'215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a bluetooth wireless interface with the short range interface to the residential gateway, as taught by Treyz'215, for the same motivation as described above in claim 23.

Regarding claim 25, the combine system of Edson'581 and Jarett'120 discloses the wireless communication interface as described above in claim 1.

Neither Edson'581 nor Jarett'120 explicitly discloses a long-range wireless communication interface (see Treyz'215 FIG. 2, interface link 50; note that Residential gateway 45 comprising a long-range wireless interface link 50 such as wireless paging links or terrestrial/cellular/satellite links in order to directly communicate with wireless device 12a) and a short-range wireless communication interface (see Treyz'215 FIG. 2, Residential gateway 45 comprising a short-range wireless interface link 48 such as HomeRF or Bluetooth in order to communicate with wireless device 12d); see Treyz'215 col. 10, lines 1-26. However, the above-mentioned claimed limitations are taught by Treyz'215. In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Treyz'215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a cellular/bluetooth wireless interface with the long and short range interface links, as taught by Treyz'215, for the same motivation as described above in claim 22 and 23.

Regarding claim 26, the combine system of Edson'581 and Jarett'120 discloses the wireless communication interface as described above in claim 1.

Neither Edson'581 nor Jarett'120 explicitly discloses a long-range wireless communication interface (see FIG. 2, interface link 50) for connecting to external wireless network devices (see FIG. 2, Device 12d) on a wireless wide area network (see FIG. 2, communication network 18 is the public wireless wide area network; see col. 8, lines 41-46; note that Residential gateway 45 comprising a long-range wireless interface link 50 such as wireless paging links or terrestrial/cellular/satellite links in order to directly communicate with wireless device 12a; see Treyz'215 col. 10, lines 1-26). However, the above-mentioned claimed limitations are taught by Treyz'215. In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Treyz'215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a cellular/bluetooth wireless interface with the long range interface links towards the other wireless devices via the cellular network, as taught by Treyz'215, for the same motivation as described above in claim 23.

5. Claims 6,7, and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson'581 in view of well established teaching in art.

Regarding claim 32, Edson'581 discloses a method for initializing an integrated phone-based home gateway system (see FIG. 1, Gateway 13), comprising:

providing one or more narrow-band communications channels (see FIG. 1, ADSL link 15 carrying narrow band channels) with a public switched telephone network (see col. 2, lines 51 to

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col. 3, lines 5, see col. 4, lines 41-44; ADSL link connects to public PSTN) from the integrated phone-based home gateway system (see FIG. 2, the narrow-band communication channels are communicated/provided with the PSTN network by ADSL modem since it is connected to standard telephone 32 via analog line. Also see col. 5, lines 45-57);

providing one or more broadband communications channels (see FIG. 1, ADSL link 15 carrying broad band channels) with a public switched telephone network (see col. 2, lines 51 to col. 3, lines 5, see col. 4, lines 41-44; ADSL link connects to public PSTN) from the integrated phone-based home gateway system (see FIG. 2, the broad-band communication channels are communicated/provided with the PSTN network by ADSL modem; see col. 5, lines 45 to col. 6, lines 50);

initializing a data communications interface (see FIG. 2, the combined system of cable modem interface 117, ADSL modem interface 115 and other modem interface 119 provides data communications) for a data network (see FIG. 1, a data network that couples to the combined system interfaces; see col. 5, lines 45-53) from the integrated phone-based home gateway system (see col. 10, lines 1-65; note that CPU initializes/processes/starts the combined system for the data communications; see col. 5, lines 45 to col. 6, lines 50; see col. 9, lines 8-33, 51-63; see col. 10, lines 65 to col. 11, lines 19);

initializing routing or bridging information (see FIG. 2, a combined system of storage of programming 107, 109, and the router 103) on integrated phone-based home gateway system (see col. 9, lines 52-63, see col. 10, lines 45-67; note that the router 103 routes the networking communication data between internal interfaces and the external network interfaces according to the stored information); and

Initializing broadband communications service configurations and provisions from the integrated phone-based home gateway system (see col. 10, lines 1-65; note that CPU initializes/process/starts the combined system for the broadband/DSL/CATV communications services configurations and provisions/requirements by converting between the user's data protocol (i.e. CATV video, voice, or data) to the protocol that can communicate with the external network (i.e. DSL, CATV, or X-Link); see col. 5, lines 45 to col. 6, lines 50); see col. 9, lines 8-33, 51-63; see col. 10, lines 65 to col. 11, lines 19.

Edson'581 does not explicitly disclose establishing one or more communications channels with the public network and routing or bridging tables.

However, the above-mentioned claimed limitations are taught by well-established teaching in art. In particular, it is well-known in the art the when a gateway system which comprises a plurality of modems, a router, and CPU, and it is connected to the public network, the connection must be established via signaling tones/information before initiating/starts the communication. Also, it is well known in the art that the router and the program/database must have a routing or bridging tables in order to route the data.

In view of this, having the system of Edson'581 and then given the teaching of well established teaching in art, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581, for the purpose of utilizing well known mechanism of establishing the connection before initializing the communication and utilizing well known routing table in the gateway router and storage. The motivation being that by establishing the connection before initializing the communication, it can increase subscriber's satisfaction by ensuring the reliable connection. Also, The motivation being that by utilizing the

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routing table, it can increase the router capability to easily identify the data associated with the home network device.

Regarding claim 6, the combined system of Edson'581 and well established teaching in art discloses wherein the step of establishing one or more broadband communications channels as described above in claims 1.

Edson'581 further discloses an asymmetric digital subscriber line ("ADSL"), symmetric DSL ("SDSL"), high-bit-rate DSL ("HDSL"), very-high-bit-rate DSL ("VDSL") or an asynchronous transport mode ("ATM") channel (see FIG. 2, ADSL modem 115 towards ADSL link 15; see col. 5, lines 45 to col. 6, lines 26).

Regarding claim 7, the combined system of Edson'581 and well-established teaching in art discloses wherein the step of establishing one or more narrow-band communications channels as described above in claim 1.

Edson'581 further discloses a plain old telephone service ("POTS") channel (see FIG. 2, ADSL modem 115 towards ADSL link 15 and see FIG. 4, POTS 32 towards ADSL modem via HPNA; see col. 5, lines 45 to col. 6, lines 26; see col. 13, lines 24 to col. 38) or a Voice-over-Internet Protocol ("VoIP") channel (see col. 9, lines 15-32; IP telephony service).

Regarding claim 33, Edson'581 discloses computer readable medium having stored therein instructions (see FIG. 2, Hard disk drive 107 or the like for storage of programming 109 and data 11) for causing a processor to execute the steps of the method (see FIG. 2, CPU 105 process and control all operations/methods of the gateway 105); see col. 9, lines 7-14.

Regarding Claim 34, the claim, which has substantially disclosed all the limitations of the respective claim 7. Therefore, it is subjected to the same rejection.

Regarding Claim 35, the claim, which has substantially disclosed all the limitations of the respective claim 6. Therefore, it is subjected to the same rejection.

Regarding claim 36, the combined system of Edson'581 and well established teaching in art discloses initializing a data communications interface for a data network from the integrated phone-based home gateway system as described above in claim 32.

Edson'581 further discloses an Internet Protocol ("IP") interface (see FIG. 1, the Internet couples to the combined system interfaces (i.e. ADSL, Cable, or other modem), thus it is clear that each combined system interface is an IP interface since it connects to the Internet; see col. 5, lines 45-53; see col. 6, lines 18-40).

Regarding claim 37, the combined system of Edson'581 and well established teaching in art discloses initializing broadband communications service configurations and provisions via the integrated phone-based home gateway system as described above in claim 32.

Edson'581 further discloses asymmetric digital subscriber line ("ADSL"), symmetric DSL ("SDSL"), high-bit-rate DSL ("HDSL") very-high-bit-rate DSL ("VDSL") or asynchronous transport mode ("ATM") (see col. 10, lines 1-65; note that after establishing the connection/path, CPU initializes/process/starts the ADSL modem for ADSL communications services configurations and provisions/requirements by converting between the user's data protocol (i.e. video, voice, and data) to the protocol that can communicate with the external network (i.e. ADSL); see col. 5, lines 45 to col. 6, lines 50); see col. 9, lines 8-33, 51-63; see col. 10, lines 65 to col. 11, lines 19.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edson'581, Jarett'120, Gerszberg'531, and further in view of Treyz'215.

Regarding claim 28, Edson'581 discloses an integrated phone-based home gateway system conversion system (see FIG. 1, Gateway 13), providing in-home and to-home networking (see FIG. 1, an in-home network 11), comprising in combination:

a home gateway interface (see FIG. 2, a combined system of power line interface 123, Other interface 125, HPNA interface 121, router 103, Storage 107; see col. 9, lines 7-14) for initializing broadband communications service configurations and provisions (see col. 10, lines 1-65; note that the combined system initializes/processes/starts the broadband/DSL/CATV communications services configurations and provisions/requirements by converting between the user's data protocol (i.e. CATV video, voice, or data) to the protocol that can communicate with the external network (i.e. DSL, CATV, or X-Link); see col. 5, lines 45 to col. 6, lines 50);

a communications interface for connecting to one or more networks (see FIG. 2, the combined system of cable modem interface 117, ADSL modem interface 115 and other modem interface 119 connects to one or more external networks; see col. 5, lines 45-57), for providing data communications (see FIG. 2, see FIG. 2, the combined system of cable modem interface 117, ADSL modem interface 115 and other modem interface 119 provides data communications), for providing broadband communications (see FIG. 2, the cable modem interface 117 and/or ADSL modem interface 115 provides broadband communications) and for providing narrow band communications including voice communications (see FIG. 2, ADSL modem interface 115 provides the narrow band voice communications since it is connected to standard telephone 32 via analog line); see col. 10, lines 24-65;

a processor (see FIG. 2, CPU 105) for processing information from the one or more networks (see col. 9, lines 8-33, 51-63; see col. 10, lines 65 to col. 11, lines 19; note that the CPU process the information to/from networks by controlling the router and firewall);

a wireless communications interface (see FIG. 1, Other interface 125 which compatible to a wireless local data link) for connecting to external devices (see FIG. 1, devices (i.e. cordless phone or other in-home wireless media devices) that couple to a wireless local data link; see col. 10, lines 52--55; see col. 7, lines 10-15);

a home phone line network adapter ("HPNA") module (see FIG. 2, HPNA interface module 121); and

one or more RJ-11 interface jacks (see FIG. 3, each home devices RJ11 switch must use RJ-11 telephone interface jacks in order to tap into twisted pair 21 towards HPNA module; see col. 7, lines 60-67; see col. 13, lines 23-27).

one or more modular plug-and-play interfaces for interfacing with other external devices (see col. 4, lines 20-35; note that internal and external interfaces of the gateway are in the form of the plug-in cards. Thus, it is clear that they are plug-and-play interfaces)

Edson'581 does not explicitly disclose a display interface for displaying the information from the one or more networks.

However, the above-mentioned claimed limitations are taught by Jarett'120. In particular, Jarett'120 disclose a wireless communications interface (see FIG. 3, Cordless Cellular Transceiver 23) for connecting to external wireless devices (see FIG. 2, cordless Mobile stations 12); see col. 7, lines 5-16, 49-55;

a removable display unit (see FIG. 3, LCD Display 33) for displaying the information from the one or more networks (see col. 9, lines 5-15; see col. 20, lines 50-65; see FIG. 5, LCD display 56 of the mobile station 12; note that the LCD display 33 of the cordless gateway base station and the LCD display 56 of the mobile station 12 display the same information about the network when the mobile unit is rested on the cordless base station cradle. Thus, LCD display 33 comprises a remote/removable LCD display 56 from the networks);

a portable multi-function handset performs the function of at least one of a cordless phone, a mobile phone, a web phone, or a walkie-talkie radio (see FIG. 1 and FIG. 5; Cordless phone 12; see col. 12, lines 5-44).

Note that Edson'581 teaches that a home gateway system can be implemented with a wireless internal media. Jarett'120 teaches a cordless gateway base station with the modem which couples to the public network, a LCD to display the network information, and connects to the home wireless mobile units. In view of this, having the system of Edson'581 and then given the teaching of Jarett'120, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edson'581, for the purpose of providing a home gateway system with a display and wireless connection to the wireless devices and providing the wireless devices with the capability to communicate with both home gateway base station and the cellular base station, as taught by Jarett'120, since Jarett'120 states the advantages/benefits at col. 2, lines 24-30, see col. 3, lines 25-27 that it would reduce the cost of the hardware and software implementation to operate the cordless cellular base station. The motivation being that by utilizing the LCD to display the caller and calling party information at the gateway unit, it can increase the subscriber's ability to monitor the call. Also, The motivation

being that by utilizing the wireless interface at the gateway unit in order to communicate with other external wireless devices, it can reduce the cost of extra wiring in the home.

Neither Edson'581 nor Jarett'120 explicitly discloses wherein the display interface displays and accesses voice, video and data messages;

wherein the keypad is a key pad for entering an alpha-numeric data;

an optional video camera for sending and receiving video data to and from the one or more networks;

However, the above-mentioned claimed limitations are taught by Gerszberg'531. In particular, Gerszberg'531 discloses wherein the display interface (see FIG. 3A-B and FIG. 14, Touch screen Display 141) displays and accesses voice, video and data messages (see FIG. 22; note that the touch screen 141 display and accesses a list of voice, video, and e-mail messages; see col. 12, lines 60 to see col. 13, lines 16; see col. 36, lines 65 to see col. 37, lines 50.);

a keypad (see FIG. 3A-B, Touch screen Display 141 comprising a virtual keypad 162) for entering an alpha-numeric data (see FIG. 14, an alpha-numeric key pad 162; see col. 12, lines 60 to col. 13, lines 16);

an optional video camera for sending and receiving video data to and from the one or more networks (see Gerszberg'531 FIG. 3A-B, a video camera 145 sends and receives data to/from networks; see col. 12, lines 38-48).

In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays and access voice, video, and e-mail

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messages to the device, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 2, lines 44-54 that it would provide an intergraded device which provides integrated access to the services into a single platform with a user friendly interface. The motivation being that by providing a integrated display with an interface which displays and access voice, video, and e-mail messages, it can reduce the cost and increase the user ability to access multiple services from one interface display.

In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing display interface which displays a touch screen key pad, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 2, lines 44-54 that it would provide an intergraded device with a touch-sensitive screen display for interactively displaying video and accompanying signals and menu screens such as keypads. The motivation being that by providing a touch-sensitive display screen with a virtual keypad, it can increase the user ability to access multiple menu and services from one interface display.

In view of this, having the combined system of Edson'581 and Jarett'120, then given the teaching of Gerszberg'531, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a video camera, as taught by Gerszberg'531, since Gerszberg'531 states the advantages/benefits at col. 39, lines 20-35 that it would provide a parental control to monitor the children, and per col. 13, lines 1-4, it would provide for viewing a person to whom a user is speaking at each end. The motivation being that by providing a video camera, it can increase the

user ability to view the called and calling parties during the call and increase the capability to monitor the children.

Neither Edson'581, Jarett'120, nor Gerszberg'531 explicitly discloses a Bluetooth module for interfacing with wireless devices using the Bluetooth wireless protocol (see Treyz'215 FIG. 2, Residential gateway 45 comprising a bluetooth wireless interface; see Treyz'215 col. 11, line 1-12; also note that when the residential gateway has a Bluetooth interface, it must be interfaced with Bluetooth wireless device);

one or more short-range or long-range wireless interfaces for interfacing with external wireless devices (see Treyz'215 FIG. 2, Residential gateway 45 comprising a short-range wireless interface link 48 such as HomeRF or Bluetooth in order to communicate with external wireless device 12d; see Treyz'215 col. 10, lines 1-26).

However, the above-mentioned claimed limitations are taught by Treyz'215. In view of this, having the combined system of Edson'581, Jarett'120 and Gerszberg'531, then given the teaching of Treyz'215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Edson'581 and Jarett'120, for the purpose of providing a bluetooth wireless interface to the residential gateway and for the purpose of providing a bluetooth wireless interface with the short range interface to the residential gateway, as taught by Treyz'215, since Treyz'215 states the advantages/benefits at col. 10, lines 10-24, col. 9, lines 50-65 that it would provide an alternative way of wireless transmission which can be used to communicate with residential devices. The motivation being that by utilizing bluetooth technology, it can increase the capability of communicating with the other home devices wirelessly.

(10) Response to Argument

Issue 1 – regarding claims 1-3,5,8-13,21,22 and 30

Argument 1 for Issue 1

The applicant argued that, “...with respect to first element of the claim 1, Edson does not teach, suggest or even mention the claim limitations “initializing broadband communications service configurations and provisions” or “bridging” ...if examiner is stating that initializing broadband communication service provisions are the same as protocol conversion, he has not provided any proof either in Edson or any other prior art of such an equivalence...” in page 8, last paragraph; see page 9, paragraph 1.

In response to applicant's argument, Edson teaches a home gateway interface (see FIG. 2, a combined system of power line interface 123, Other interface 125, HPNA interface 121, router 103, Storage 107; see col. 9, lines 7-14) for initializing broadband communications service configurations and provisions (see col. 10, lines 1-65; note that the combined system initializes/processes/starts the broadband/DSL/CATV communications services configurations and provisions/requirements by converting between the user's data protocol (i.e. CATV video, voice, or data) to the protocol that can communicate with the external network (i.e. DSL, CATV, or X-Link); see col. 5, lines 45 to col. 6, lines 50; also see col. 11, line 2-15).

As described above, the broadband communications are DSL (Digital Subscriber Line/loop) and CATV (Community Antenna Television) communications. Examiner asserts initializing as starting, beginning, or before-processing communications. Service configurations

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and provisions occur when the communication data traffic (i.e. from/to data traffic receiving at gateway 13 ports 123, 125, 121), or devices associated with the such communication data traffic (i.e. from/to home devices at home network side, such as telephone 32, TV 42, etc.) are identified/recognized, processed to establish a connection with respect to protocols, ports, service types, etc. and then routed according to their respective/required/provisioned connection (i.e. to/from public network side (i.e. CATV, ADSL ports 117, 119, 115 side)). One cannot route, interchange, or interconnect the communication data traffic between public network and home network without initializing/starting configuration and provision. Another word, one cannot obtain/establish a phone service/communication, DSL service/communication or CATV service from the service provider without initializing/starting the configurations and provision of such services. Therefore, examiner has clearly provided Edson's disclosures as a proof.

The applicant argued that, "...with respect to first element of the **claim 1**, Edson does not teach, suggest or even mention the claim limitations "bridging" ...examiner simply ignores the claim limitations "bridging" by simply finding a portion in Edson that described "routing" but does not even mention "bridging" ...if examiner is stating that bridging is the same thing as routing, he has not provided any proof either in Edson or any other prior art of such an equivalence" in page 8, last paragraph; see page 9, paragraph 2.

In response to applicant's argument, Edson teaches providing routing or bridging for networking communications (see col. 9, lines 52-63, see col. 10, lines 45-67; note that the router 103 routes the networking communication data between internal interfaces and the external network interfaces; also see FIG. 2, Router 103).

Note that claim 1 recites, "...providing **routing or bridging**" in line 5. Thus, examiner only requires showing routing **or** bridging, **not both** (emphasis added). As described above, Edson clearly discloses routing since FIG. 2 discloses the gateway 11 includes a router 103.

The applicant argued that, "...Edson teaches...the network 11 executes the necessary configuration routines and automatically enables communication for the new device...Thus, Edson clearly teaches the network 11 and not the gateway 13 "initializes communications service configurations". Therefore, Edson teaches away from the applicant claim invention which initializes broadband communication service from the home gateway interface..." in page 8, last paragraph; see page 9, paragraph 1; see page 13, line 2-4; see page 14, paragraph 1-4; see page 15, paragraph 1; see page 16, paragraph 2, 4; see page 17, paragraph 3,5.

In response to applicant's argument, Edson discloses in col. 11, lines 3-15 as follows:

The CPU 105 implements an operating system and a communication application that control the necessary functions of the router 103 and the firewall 101 to prioritize and route various communications between the internal devices and between the devices and the external communication facilities. The gateway software also implements functions matching the common API implemented by the device specific interfaces. **The operating system and communication application are designed to automatically detect** a new device and interface when connected to the network 11 and to interact with such a new device interface to **configure the gateway and the new interface** to enable communications through the system 11. (Emphasis added)

As stated above in Edson, it is clear that CPU 105 of gateway 105 is detecting/initializing, configuring and provisioning of the new internal device, or traffic data associated with such device for CATV/DSL services. In general, Edson teaches **two** methods of initializing broadband communication services configuration and provisions: **first method from CPU 105 of gateway 13**, and **second method from network 11(i.e. any device in communication with network 11)**. Applicant is only pointing out the second method of Edson

and arguing that second method teaches away from the invention by citing the partial portion of Edson, while first method is clearly discloses the applicant claimed invention. Thus, it is clear that Edson does not teach away from the applicant claimed invention, rather Edson simply discloses a comprehensive methods.

The applicant argued that, "...gateway 13 is clearly not the only device with a CPU, gateway software, an operating system and communication application as examiner mistakenly asserts..." in page 11, paragraph 2-3; see page 12, paragraph 1-3.

In response to applicant's argument, none of the "CPU, software, operating system, or application" is recited in the rejected claims. Thus, it is irrelevant to argue regarding the limitations that are not being claimed. As stated above, Edson discloses two methods, and the first method discloses the applicant claimed invention as set forth above.

The applicant argued that, "...This teaches away from the applicant's invention that includes an integrated phone-base home system that **takes away the burden of the user trying to figure out how to configure the gateway system...** This is also teaches away from the applicant's invention which provides an integrated phone-base home gateway with **integrated software applications to automatically initialize** broadband communications services configuration and provisions them **while in direct communication with the gateway...** applicant invention **allows communications between device-specific applications and direct communications with the gateway to allow automatic initialization and provisioning of broadband communication services configurations and provisions...**" in page 13, paragraph 3; see page 14, paragraph 3-4; see page 16, paragraph 3; see page 17, paragraph 2,4.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **takes away the burden of the user trying to figure out how to configure the gateway system, integrated software applications to automatically initialize, while in direct communication with the gateway, or allows communications between device-specific applications and direct communications with the gateway to allow automatic initialization**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that, "...the examiner is cautioned that he can not make up assertions that clearly have no support in the cited reference...Edson clearly teaches...the operation of the gateway 13 are configurable from any devices in communication with network 11...once again, examiner is clearly misstating the teachings of Edson in violation of the patent rules and picking and choosing portions of Edson to meet his arguments instead of fairly considering the whole reference ..." in page 15, paragraph 2-3.

In response to applicant's argument, as described above, Edson clearly discloses two methods of initializing broadband communication services configuration and provisions: **first method** from CPU 105 of gateway 13 (see Edson col. 11, lines 3-15), and **second method** from network 11(i.e. any device in communication with network 11) (see Edson col. 11, line 20-25). Therefore, examiner has no reason to make up, mistake or violate the patent rules since Edson clearly recites two methods. By reciting and arguing the portion of Edson where any device in the communication network 11 is able to configure the network (i.e. second method)

and by entirely ignoring the first method (recited in col. 11, line 3-15), one will clearly see that applicant is picking and choosing portions of Edson (i.e. second method) to meet his argument instead of fairly considering the whole Edson reference which comprises two methods.

Argument 2 for Issue 1

The applicant argued that, "...the examiner is asserting that **the wireless communication interface** of Jarett when added to Edson to modify Edson, is the same wireless communication interface of the claimed invention...there is no motivation to combine Jarett with Edson..." in page 19, paragraph 2-3; entire page 20; page 21, paragraph 2; see page 25, paragraph 3.

In response to applicant's argument, as stated in final office action, Jarett reference is used to address the missing limitation of Edson "**a display interface for displaying the information from one more network**". Thus, the arguments with regards to "a wireless communication interface" between Edson and Jarett are irrelevant since Edson has already discloses the argued limitation. However, in order to illustrated the both Edson and Jarett are analogous art, examiner has shown both Edson and Jarett have a wireless communication interface, and they are both in home gateway or home cordless cellular base station. In particular, Edson discloses a home gateway with a wireless communication interface (see FIG. 1, home gateway 13 with Other interface 125). Jarett also discloses a home gateway with wireless communication interface (see FIG. 2, cordless cellular base station 10 inside the house; see col. 7, lines 5-16, 49-55). Moreover, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem

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with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Edson and Jarett are both analogous and reasonably pertinent to the particular problem with which the applicant was concerned.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is disclosed in col. Jarett 2, lines 24-30, see col. 3, lines 25-27 that it would reduce the cost of the hardware and software implementation to operate the cordless cellular base station. The motivation being that by utilizing the LCD to display the caller and calling party information at the gateway unit, it can increase the subscriber's ability to monitor the call. Also, The motivation being that by utilizing the wireless interface at the gateway unit in order to communicate with other external wireless devices, it can reduce the cost of extra wiring in the home, and it would be easier for the home user to move around the house during the call.

The applicant argued that, "...Edson teaches. ...gateway 13 mounts between the studs....stands on the floor...Thus, Edson teaches away from examiner propose motivation for combining Edson and Jarett...if the LCD of Jarett was added to the gateway of Edson, it would not increase the subscriber's ability to monitor the call..." in page 23, paragraph 4-5; page 24, paragraph 1-3.

In response to applicant's argument, claim 1 recites, “**an integrated phone-based home gateway system**” in line 1 and “**a display interface for displaying the information from one or more networks**” in line 10. It is noted that any specific location of where applicant's an integrated phone-based home gateway system can be mounted, or any specificity of a display interface are not recited in the rejected claim(s). Thus, it is irrelevant to argue that any specificity of Edson's gateway and Jarett's display since it is not being claimed. Moreover, Examiner could not find any reason why adding a display to a gateway device will not increase the subscriber's ability to monitor the call. It is obvious to one skill in the ordinary art when adding a display of a gateway device would provide/increase/enable the home subscriber's ability to view, visualize, and monitor the calls or any functionality equivalent thereof. In fact, when adding displaying to any user device, it would provide/increase/enable the user to view, visualize, and monitor the functionality/processing of a user device. Moreover, Edson discloses in col. 14, line 59-65 as follows:

The gateway 13 may provide the new software, to insure that all or a portion of the OS or the API corresponds to the **current software utilized** in the particular gateway. The user may load new software for the gateway and one or more of the device interfaces through the PC 43 or some other data device on the in-home network 11. (Emphasis added)

As suggested by Edson, the gateway 13 requires a display in order to install new software via a monitor of a PC (which is connected to the PC via a cable), which would provide/enable/increase-capability the user to view, visualize, and monitor during the software upgrade or equivalent function thereof. Thus, a display may not be physically preset on the gateway. Moreover, Edson's also suggests the user of display in modems (see FIG. 2, cable modem 117, other modem 119, and ADSL modem 115). It is also well known in the art, any

modem has a LED (light Emitting Diode) or display that provide/enable/increase whether modem is in-line/off-line/connect/disconnect or equivalent thereof regards one more networks. In particular, Jarett Cleary teaches the home cordless base station/gateway has a display as set forth above. Thus, a display may be physically present on the gateway. Whether a display may or may not be physically present on the gateway is irrelevant since the specific location of display is not being claimed, so long as one skill in the ordinary art would be motivated to add a display to provides/enable/increase capability to a user to view, visualize, and monitor as suggested by Edson and Jarett. Thus, neither Edson nor Jarett teach away from the applicant invention.

The applicant argued that, "...Edson or Jarett alone or the combination thereof, does not make either **claim 1 or 30** obvious..." in page 26, paragraph 3.

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be **bodily incorporated** into the structure of the primary reference; nor is **it that the claimed invention must be expressly suggested in any one or all of the references**. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, as stated in above argument, applicant is **bodily incorporated** into structure of Edson and separately arguing in each reference, where the rejection is based upon the combined system of Edson and Jarett, and the combined teaching of the Edson and Jarett suggested by one with ordinary skill in the art as set forth above.

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...an independent claim is nonobvious...then any claims depending therefrom is not obvious...**claims 2,3,5,8-13,21-22** are not obvious..." in page 26, paragraph 2.

In response to applicant's argument, please see response to claim 1 and 30 above.

Argument for Issue 2

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...since the applicant invention is not obvious over Edson in view of Jarett...**claim 4** is not obvious..." in page 27, paragraph 1.

In response to applicant's argument, please see response to claim 1 and 30 above.

Argument for Issue 3

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...since the applicant invention is not obvious over Edson in view of Jarett...**claim 14-20** are not obvious..." in page 27, paragraph 3.

In response to applicant's argument, please see response to claim 1 and 30 above.

Argument for Issue 4

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...since the applicant invention is not obvious over Edson in view of Jarett...**claim 23-26** are not obvious..." in page 28, paragraph 2.

In response to applicant's argument, please see response to claim 1 and 30 above.

Argument for Issue 5

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...since the applicant invention is not obvious over Edson in view of Jarett...**claim 6-7** are not obvious..." in page 28, paragraph 4.

In response to applicant's argument, please see response to claim 1 and 30 above.

The applicant argued that, "...with respect to **claim 32-37**, as was discussed above for claims 1 and 30, Edson does not teach or suggest "initialing broadband communication service configuration and provision from the integrated phone-base home gateway system". Edson teaches the network 11 and not the gateway 13 "initialing broadband communication service configuration and provision from the integrated phone-base home gateway system"" see page 28, paragraph 5.

In response to applicant's argument, please see response to claim 1 and 30 above. As stated above, it is clear CPU 105 of gateway 105 is detecting/initializing, configuring and provisioning the new internal device for broadband services. In general, Edson teaches two viable methods of initializing broadband communication services configuration and provisions: **first method from CPU 105 of gateway 13, and second method from network 11(i.e. any device in communication with network 11)**. Applicant is only pointing out the second method of Edson and arguing that second method teaches away from the invention by citing the partial portion of Edson, while first method is clearly discloses the applicant claimed invention.

Argument for Issue 6

The applicant argued that, "...the argument of claims 1 and 30 are incorporated by reference...since the applicant invention is not obvious over Edson in view of Jarett...**claim 28** is not obvious..." in page 29, paragraph 3.

In response to applicant's argument, please see response to claim 1 and 30 above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Ian N. Moore
December 21, 2005

Conferees:



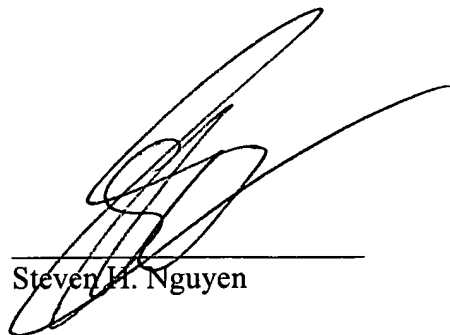
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